



Riverside County Sheriff's Department

Chad Bianco, Sheriff-Coroner

4095 Lemon Street • Riverside • California • 92501
www.riversidesheriff.org

November 14, 2019

MuckRock News
Attn: Samuel Sinyangwe
DEPT MR 74694
411A Highland Ave
Somerville, MA 02144-2516

Re: California Public Records Act (CPRA) Request, Pursuant to Cal. Gov't Code § 6250, et seq.

Dear Mr. Sinyangwe:

On October 28, 2019 the Riverside County Sheriff's Department received your requests based on the California Public Records Act ("CPRA" – Government Code §§ 6250 et seq.) The time for response was extended for an additional period of 14-Days up until November 21, 2019 pursuant to the CPRA as outlined in Government Code § 6253. Your original request is attached to this response determination letter and has been processed as follows:

The Riverside County Sheriff's Department response applies to one or more of the sections listed. Sections in red are responsive to your request.

- ☒ Records responsive to your request have been located and will be made available for inspection and/or copying during normal business hours. Moreover, copies of the requested records will be made available upon payment of the appropriate fees covering the costs of duplication as provided in Government Code § 6253(b). ***Please See Section I on page 2 for details.***
- ☐ We regret to inform you that it has been determined that there are no disclosable records that can be made available for inspection and/or copying in response to your request because
 - ☒ Records do not exist. ***Please see Section II on page 2 for details.***
 - ☒ The record does not belong to the Riverside County Sheriff's Department. ***Please see Section III on page 2 for details.***
 - ☐ There are no disclosable records that can be made available for inspection and/or copying in response to your request on the basis that the records sought are exempt from disclosure under the CPRA. ***Please see Section IV on page 3 for details.***
- ☐ Records responsive to your request have been located and will be made available for inspection and/or copying during normal business hours. Moreover, copies of the requested records will be made available upon payment of the appropriate fees covering the costs of duplication as provided in Government Code § 6253(b).

However, it has also been determined that some records and/or portions of such records are exempt from disclosure under the California Public Records Act (Government Code § 6250 et seq.) and thus will be withheld or subject to redaction on the basis of the various grounds. ***Please see Section V on page 3 for details.***

Thank you for your interest in Riverside County Sheriff's Department records. If we can be of further assistance, please do not hesitate to contact me at: cpa@riversidesheriff.org

Sincerely,

CHAD BIANCO, SHERIFF

Sergeant Greg Bonaime
Information Services Bureau - CPRA Unit

CB: GB:cl

SECTION I: DISCLOSABLE RECORDS

Request #4 - As requested the current Sheriff's Department Use of force policies are attached.

SECTION II: RECORDS DO NOT EXIST

Request #2 - The Riverside County Sheriff's Department implemented a new database in 2018 which enabled the tracking of use of force complaints. In 2018, there were 15 Use of force complaints reported to the department, and only one resulted in a "sustained" finding. There is no data available for years prior to 2018.

SECTION III: RECORD DOES NOT BELONG TO THE RIVERSIDE COUNTY SHERIFF'S DEPARTMENT

Request #1 - The Riverside County Sheriff's Department reports use of force incidents that result in serious bodily injury or death or involved the discharge of a firearm to the State Department of Justice in compliance with the Government Code. This law went into effect on January 1, 2016 pursuant to AB71. The information can be located at the following website <https://openjustice.doj.ca.gov/> Other than the above information, the Riverside County Sheriff's Department does not track "all" use of force incidents. There is no additional information available to Request #1.

Request #3 - The current Riverside County Deputy Sheriff union contract is retained by the Riverside County Human resources Department and can be downloaded from the following county website:
<https://www.rc-hr.com/HR-Services/Employee-Labor-Relations/Employee-Relations/MOUs-Resolutions-and-Ordinances>

SECTION IV: NO DISCLOSABLE RECORDS EXEMPTIONS

<input type="checkbox"/> Government Code § 6254(a) <u>Request #</u>	<input type="checkbox"/> Government Code § 6254(k) <input type="checkbox"/> Read in conjunction with Evidence Code § 1040 <u>Request #</u>
<input type="checkbox"/> Government Code § 6254(b) <u>Request #</u>	<input type="checkbox"/> Read in conjunction with Article I, § 1 of the California Constitution <u>Request #</u>
<input type="checkbox"/> Government Code § 6254(c) <u>Request #</u>	<input type="checkbox"/> Read in conjunction with Evidence Code §§ 952 and 954 <u>Request #</u>
<input type="checkbox"/> Government Code § 6254(f) <u>Request #</u>	<input type="checkbox"/> Read in conjunction with Welfare and Institutions Code § 827 <u>Request #</u>
<input type="checkbox"/> Government Code § 6254(u) <u>Request #</u>	<input type="checkbox"/> Read in conjunction with the Federal Health Insurance Portability and Accountability Act ("HIPAA") and with the California Confidentiality of Medical Information Act ("CACMIA") <u>Request #</u>
<input type="checkbox"/> Government Code § 6254.29 <u>Request #</u>	<input type="checkbox"/> Read in conjunction with Penal Code §§ 832.5, 832.7 and 832.8, Evidence Code §§ 1043 and 1046 <u>Request #</u>
<input type="checkbox"/> Government Code § 6255 <u>Request #</u>	<input type="checkbox"/> Read in conjunction with Penal Code § 1546 <u>Request #</u>

SECTION V: REDACTED RECORDS EXEMPTIONS

<input type="checkbox"/> Government Code § 6254(a) <u>Request #</u>	<input type="checkbox"/> Government Code § 6254(k) <input type="checkbox"/> Read in conjunction with Evidence Code § 1040 <u>Request #</u>
<input type="checkbox"/> Government Code § 6254(b) <u>Request #</u>	<input type="checkbox"/> Read in conjunction with Article I, § 1 of the California Constitution <u>Request #</u>
<input type="checkbox"/> Government Code § 6254(c) <u>Request #</u>	<input type="checkbox"/> Read in conjunction with Evidence Code §§ 952 and 954 <u>Request #</u>
<input type="checkbox"/> Government Code § 6254(f) <u>Request #</u>	<input type="checkbox"/> Read in conjunction with Welfare and Institutions Code § 827 <u>Request #</u>
<input type="checkbox"/> Government Code § 6254(u) <u>Request #</u>	<input type="checkbox"/> Read in conjunction with the Federal Health Insurance Portability and Accountability Act ("HIPAA") and with the California Confidentiality of Medical Information Act ("CACMIA") <u>Request #</u>
<input type="checkbox"/> Government Code § 6254.29 <u>Request #</u>	<input type="checkbox"/> Read in conjunction with Penal Code §§ 832.5, 832.7 and 832.8, Evidence Code §§ 1043 and 1046 <u>Request #</u>
<input type="checkbox"/> Government Code § 6255 <u>Request #</u>	<input type="checkbox"/> Read in conjunction with Penal Code § 1546 <u>Request #</u>

ADDITIONAL INFORMATION:

Government Code Reference Sheet

Government Code § 6254(a)- provides that preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, if the public interest in withholding those records clearly outweighs the public interest in disclosure.

Government Code § 6254(b)- provides that records pertaining to pending litigation to which the public agency is a party, or to claims made pursuant to Government Code § 810 et seq., are exempt from disclosure until the pending litigation or claim has been finally adjudicated or settled.

Government Code § 6254(c)- provides that personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy is exempt from disclosure.

Government Code § 6254(f)- provides that law enforcement investigation, security and intelligence information file records of a local police agency are exempt from disclosure. Furthermore, as set forth in Rivero v. Superior Court, 54 Cal. App. 4th 1048 (1997) and Williams v. Superior Court, 5 Cal. 4th 337 (1993), the investigatory file exemption to the public records act request is not lost even where the investigation is deemed concluded or terminated.

Government Code § 6254(k)- read in conjunction with Evidence Code § 1040, provides that official information acquired in confidence by a public employee is exempt from disclosure.

Government Code § 6254(k)- read in conjunction with Article I, § 1 of the California Constitution provides that personal information details are subject to privacy rights that make such information exempt from disclosure.

Government Code § 6254(k)- read in conjunction with Evidence Code §§ 952 and 954 provides that attorney-client confidential communications, attorney work-product material and privileged material are exempt from disclosure.

Government Code § 6254(k)- read in conjunction with Welfare and Institutions Code § 827 provides that juvenile case file records are exempt from disclosure.

Government Code § 6254(k)- read in conjunction with the Federal Health Insurance Portability and Accountability Act ("HIPAA") statutory protections which provides that health care patient confidentiality and medical treatment details are exempt from disclosure.

Government Code § 6254(k)- read in conjunction with the California Confidentiality of Medical Information Act ("CACMIA") statutory protections which provides that health care patient confidentiality and medical treatment details are exempt from disclosure.

Government Code § 6254(k)- read in conjunction with Penal Code §§ 832.5, 832.7 and 832.8, Evidence Code §§ 1043 and 1046 which provide that peace officer or custodial officer personnel records information may only be obtained via the noticed motion procedure required by said statutes and therefore is exempt from disclosure.

Government Code § 6254(k) read in conjunction with Penal Code § 1546 which is the recently enacted Electronic Communications Privacy Act and provides confidentiality of electronic communications from disclosure.

Government Code § 6254.29 -provides that social security number information is exempt from disclosure.

Government Code § 6254(u)- provides that certain information contained in applications for licenses to carry firearms issued pursuant to Penal Code 12050 by a county sheriff are exempt from disclosure.

Government Code § 6255 -the records in question are exempt because under the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

Lytle, Cynthia

From: 82247-48931661@requests.muckrock.com
Sent: Monday, October 28, 2019 7:55 AM
To: CPRA
Subject: California Public Records Act Request: CA Sheriff's Use of Force data (Riverside County Sheriff)

CAUTION: This email originated from outside the **Riverside Sheriff** email system.
DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Riverside County Sheriff
PRA Office
4095 Lemon Street
Riverside, CA 92501

October 28, 2019

To Whom It May Concern:

Pursuant to the California Public Records Act, I hereby request the following records:

1. The total number of use of force incidents, broken down by type of force used, from 2013-2018 (separated by year).
2. The total number of use of force complaints reported to the sheriff's department and (separately) the total number of use of force complaints that were sustained from 2013-2018 (separated by year).
3. The current sheriff's deputies union contract
4. The current sheriff's department policy manual

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 calendar days, as the statute requires.

Sincerely,

Samuel Sinyangwe

Filed via MuckRock.com

E-mail (Preferred): 82247-48931661@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAwWr1ZYs61CqFE5DkargQADkI%3A1iP6QB%3AtLJ4n-afU2GAz7-

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Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 82247

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

